

Notes to the Anti-Bullying commission meeting Wednesday February 9, 2011

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I am grateful for the opportunity to address the commission on behalf of the MSSAA. As an organization we strongly supported and continue to support the anti-bullying bill passed last year and the on-going efforts to eliminate bullying in our schools. I have a few thoughts on ways that principals and assistant principals could be supported in their efforts.

The school administrators must be given wide latitude when conscientiously and fairly implementing their procedures in good faith. The wide latitude is particularly necessary with respect to the definition of cyber-bullying and the creation of a hostile environment in the school. Often the cyber-bullying occurs off campus and outside of school hours. The consequent "hostile environment" in the school is hostile for only the victim of the bullying, largely unobserved and, until revealed by the victim, unknown by others. These three points, incidents off campus, incidents out of school hours, and the reality of a hostile environment, are often argued as none of the school's business by the parent of the accused bully or the accused bully;. However, if even this one student is experiencing the hostile environment that prevents him/her from accessing the curriculum of the school, the principal needs the necessary latitude to determine a remedy. A parent will often threaten to sue the school district or the principal with respect to any or all of these points. There are many such suits ongoing at this moment throughout the country. If the efforts of the principal and staff are in keeping with school and district policy the principal and staff should be absolutely immune from law suit, civil or otherwise.

Cyber-bullying by the use of phony Facebook pages created in the name of but not actually by the principal and/or the use of other social media outlets to threaten, demean, defame, or otherwise diminish the ability of the principal to do his/her job should not be allowed. Free speech, as allowed by the First Amendment, should not be allowed to act as a shield in instances where it jeopardizes the safety of students or the ability of principals to ensure the safety of students. The Supreme Court has consistently allowed wide latitude in constitutional matters that pertain to operating a safe school.

At the moment, the disciplinary and rehabilitative resources available to principals with respect to bullying include parent notification and meetings, the traditional detention outside of school hours, suspension from school of up to 10 days, counseling in school, perhaps a social worker working with the child and family if the school is fortunate enough to have such a skilled professional, and referral to the police if the actions might be criminal. There ought to be more. It is necessary to require that parents meet with the principal or assistant principal if they have been informed that their child has been accused of being a bully. Almost unbelievably, many parents are resistant to even engage in a meeting about the problem. It is also necessary that the principal have the authority to suspend the perpetrator for as much time as necessary in order to ensure the in-school safety of the victim, even more than 10

days. In saying this I fully support the alleged bully being afforded all legal and appropriate notifications, opportunities for appeal, and opportunities for representation throughout the process. In the case of repeat offenders, either with respect to the same victim or different victims, the principal ought to be given the right to expel or long term suspend, at least through the end of the school year. Chapter 70, Section 37H1/2 which applies to other circumstances offers model language.

The School Advisory Council, at least for secondary schools, should create an anti-bully advisory council consisting of student(s), parent(s), teacher(s) and the principal whose purpose is to review the procedures, policies, and actions taken by the school in bullying cases. This council could be a repository for bully complaints which are received by the principal, including anonymous complaints. This council should meet at least once per month. The work of this council should in no way impede immediate and necessary actions taken by the principal. However, their review and advice could ensure that all bully complaints are acknowledged and addressed. While the council would be subject to all the existing laws and regulations regarding privacy with respect to school discipline, their oversight could serve to ensure the entire school community that the school principal is responsive, responsible, and following appropriate school policies and procedures.

Some parts of the state have a Community Based Juvenile Justice Program (CBJJ) which usually includes local police, school officials, representatives from the District Attorney's Office, and probation officers. I was fortunate to work with well run, supportive CBJJ Programs. Their purpose, in my experience, is to meet monthly, or as needed, to prevent juvenile crime. We cooperated across these agencies to identify juveniles potentially at risk, strategize services and outreach to help the students and/or parents, and follow progress over time. If not already in existence throughout the state there should be a CBJJ to which every school district including Charter Schools within that geographic area should be assigned. The charge should remain the same with the addition of outreach and service for potential bullies and/or potential victims.

The MSSAA believes that the anti-bully bill as constituted is an excellent piece of legislation that provides principals, schools and school districts excellent guidance. Thank you for allowing me to testify on their behalf.